Prasanna

App. F. IX-4

Previous References 1932. (Miscellaneous) **File No.** 119 33

Serial Nos. 1 2

Later References

73-36 ✓
3-1

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for April 34

SUBJECT.

Summons to the caseg[illegible] A
am and 4 Paramasivam Pillai & another
[illegible] Thutha Halla
24.

M C 13]

No. 613/33-34
Enc 1 file

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE

Dated, Bangalore, [illegible] 193 .

Muz 219-33-1

804
1 JAN 1934

FROM

~~S. HIRIANNAIYA, ESQ., M.A., B.L.,~~
[illegible]
Muzrai Commissioner in Mysore

To

S. S[illegible], [illegible],
Secretary to the Government of His Highness
the Maharaja of Mysore
Department.

9/18/1/34

SIR,

Adverting to the [illegible] 30 dated 27th/31st December 1933 sanctioning the [illegible] a period of ten years of the lease of the [illegible] Gutal Parameshwara Devaru of Kalkere [illegible] to one Deremane Krishnappa on certain conditions, I [illegible] to forward herewith a copy of the Superintendent [illegible] stoner's letter No.Muz.1.C.331/32-33 dated 21-8-1933 [illegible] porting that the lessee has, in contravention of [illegible] lease deed executed by him, allowed the [illegible] the growth of lantana and other weeds [illegible] periodical fresh plantations [illegible] [illegible] is not also regularly paid [illegible] to be being recovered annually [illegible] [illegible] I therefore recommend that the [illegible] Krishnappa may be cancelled [illegible] years of execution entered [illegible] [illegible] public debts [illegible] [illegible]

2. In the above circumstances, [illegible] Government may be accorded to the [illegible]

3. [illegible]

I [illegible]

[illegible]

Muzrai Commissioner

(1) Addressee is invited to the lease deed — Ex P1 obtained from Krishnaiya, the lessee.
[The lease deed is of value of 3½ Rs/—]
Nowhere in the deed it is specified that within the period of 10 yrs — The lease might be cancelled if at any time the lessee is found neglecting the lands to the extent of Lantana & other wild weeds growth to spring up on the lands, thereby causing the value of the lands to deteriorate

(2) Non-fulfilment to pay the annual amount in time entails as per terms of the land Coercive steps being taken by the local authorities for the recovery of the same — The limitation over are from time to time framed by the issues for collecting the land revenue

(3) Whether by the cancellation of the lease within the agreed period of 10 yrs the lessee will have any cause of action is a matter to be known from the Law Secy —

(4) Ordered for orders —

31/1

In the lease deed (Ex P1) the following clause appears:—

5) [illegible]

6) Also if at the end of the lease period the lands shall be in a worse condition than at the time the lease was granted he shall make good the amount which he required to bring the land to its original condition He has also bound himself to pay the annual lease amount regularly failing which he has stated action may be taken against him

(3

804.

Re: Inam lands of Sri Kasarapalli Ramaswamy devaru temple at Doddamani Tathachalli Hobli Kadur Taluk.

General and Revenue Secretariat | File No. | of 1933. | [App. F. III—2

Serial No.

As per Mem. In view of the above conditions the necessity to change hands as proposed by the D.C. is not apparent. The experience gained in other cases of the kind goes to show that once the present lessee is dispossessed there will be no bidders for these inferior lands and a further report comes recommending that the inam tenure may be cancelled or that the lease may be for very long periods (50 yrs, 80 yrs & so on). If the D.C. assumes or has been assured that the lease if is cancelled and the lands are sold to another there will be more favourable offers then alone can a recommendation of the kind be considered if not legally objectionable. If the lands are deteriorated as the D.C. says it is likely that there will be no bids or even if there be bids they will not be more advantageous than the present one. Further if the lessee fails & pleads inability to continue Govt will have cause of action against him - But if first take action as recommended in contravention of the terms of lease, the lessee though a defaulter will have be afforded an opportunity to complain against first. In view of the above the Mem recommendation is for orders.

10/2/34

F Secy)

Legal opinion may be got regarding the right of Govt to terminate the agreement in the circumstances mentioned

13/2

2/14/2

NOTE—Contn. Sheet.

WD 0246—GPB—15,000—22-8-32

Re: leasing the inam lands of Sri Kasangulli 4443 2383
Ramaswamadevaru temple at Oddamane
Tirtha halli Tk.

File No. of 193 2. | General and Revenue Secretariat

8) Asst Secy, Law Dept
Lrkt Comptro

14/2/34

R.O. No. P 196 of 32 dated 23rd February 1934.

9) Forwarded with compliments to the Govt Advocate for favour of opinion

M Gopalrao
22/2/34

R.O. No. 693/33-
dt 23.2.34

301
Law

Returned with compliments.

R.O. No. 113/33-34
dt 13.3.34

10) The terms of the lease deed executed by Krishniah are clear on the point. It says if the lessee does not pay the rent regularly, it could be recovered by Government according to rules and that if he does not keep the lands in a proper condition he would be liable to pay to Government, at the time of vacating them, the costs which would be required to restore them to their former condition. The lease is for ten years and according to the terms of the lease deed, it cannot be terminated within the stipulated period.

M Alagesan
Government Advocate.
12-3-1934.

H.

Mur Br) 11) 15/3/34

12) In view of the legal opinion expressed in para 10 supra, it appears, the matter may be intimated that it is not possible to accept Venkatappa Reddy's proposal.

A

D.C. Shimoga — for order — Agent: Ramaswamy.

G.S. 17/3

13). A - May be allowed

19/3/34

Hy Secy)

19th 21st NM) 14) 15 24/3/34 Br 3

SECOND MEMBER FOR COUNCIL.
21 MAR 1934
No. 23

Serial No.	
	Def. Sub 4-2-13
2	No. 1323 dy 2.4.34 to the Muzrai Commissioner declining to sanction the proposal referred to in Al

B J 13/4

NOTE—Contn. Sheet.

WD 0246 —GPB—15,000—22-8-32

File No. of 193 .

General and Revenue Secretariat

Letter No.Muz.I.C.Cal, 32-33 dated [illegible] from the Deputy Commissioner, Shimoga District, to the Muzrai Commissioner in Mysore.

Referring to your memo No.DI Dis.178/29-30 dated 13-1-30 forwarding copy of the order of Government No.1317/Muz.492-28-6 dated 31-12-29 in Muz. Apl.No.15/29-30 permitting Daremane Krishnappa to continue for a period of 1 years, as a tenant of the inam lands granted to Sri Kesavegutul Rameswara temple at Codlamane, Tirthahalli Taluk, on certain conditions, I have the honor to state that the Amildar, Tirthahalli Taluk, after inspecting the lands reported that the less has not done timely " ಇಳಿದ ಬರ ರಕ್ಷಣೆಯನ್ನು ಪಡೆಯಿಲ್ಲವೆಂದು ಹೇಳಿದ್ದಾರೆ that he has allowed them to deteriorate, that if they are left in the same condition the garden would be devoid of trees, that the lessee did not reply to the notice issued to him, that he is not regular in payment of the annual rigate, that it is recovered only after coercive steps are taken & that lands might therefore be leased out afresh. The Sub Division Officer agree with him and recommended that the lands might be leased out in auction. P as the lessee had presented a petition to the Amildar that he saw the land from a distance and as this was not verified by the Sub Division Officer, was requested to inspect the lands himself and submit a report.

The Sub Division Officer, Shimoga, reports that he inspected the lands in company with the Amildar and the petitioner on 25-2-33, that the lessee has allowed lantana and other weeds to grow in the lands, that he has not done fresh plantings of areca and plantains, that he has allowed the lands to deteriorate, that there is no difficulty for water, as a channel runs at a higher level to run water from the bullock and that rigate is recovered only after issue of distraint orders. He further states that distraint has been issued for recovering the rigate arrears of Rs.90/- from the lessee Krishnappa.

Under the above circumstances, I think that if the lands are left in the hands of the present lessee there is considerable danger of the lands deteriorating still further. It is therefore desirable to cancel the lease to lessee and sell the right for 30 years to a person other than the present lessee.

I request therefore that the lands may be ordered to be leased out afresh in auction for a period of 30 years.

The connected records bearing on the subject are sent herewith for reference.

"COPY"

For Muzrai Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. FT. 1323 Dated, Bangalore, 31st March 1934.
Income tax file 2nd April

From Mlg 219-33-2

The *Financial Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

With reference to your letter No. 613/33-34 dated 16th January 1934 recommending sanction to the termination of the lease of the Inam lands of Sri Kesaragutti Rameswaradevaru temple at Godlamane Thirthahalli Taluk sanctioned to Daremane Krishnappa, I am directed to forward herewith for information copy of the Government Advocate's opinion dated 12th March 1934 in the matter and to state that in view of the above legal opinion it is not possible to accord sanction to the above proposals.

I have the honor to be,
Sir,
Your most obedient servant,

For Financial Secretary to Govt.

G.S

C.N.

Appendix F G—1]

SUBJECT .....

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Section Mis

File No. 214 - 34

Serial No. 2

Diary No. of letter replied to .....

No. 1323 Secretary

To file

The m. c.

General and Revenue Secretariat

( )

the 193 .

Sir,

Date of issue 3/4/34

With reference your letter no B13/88-34 of 16/1/34 recommending Sanction to the termination of the lease of the Inam lands of Sri Kasavaguttu Rameswara devaru temple at Vadlamanu Tk Tenali to Sanctioned Tk Vadlamanu Krishnadeva I am directed to forward herewith for information copy of the Govt. Advocate's legal opinion in the matter dt 12/8/24 and to state that in view of the above legal opinion this Govt. have no objection to accord Sanction to the proposals

Signed by B. Muddukrishnamma

(4) Mark the para 10 N Nils

List of enclosures .....

Copied by .....

Examined by .....

WD 0677—GPB—15,000—8-11-33

GS 27/3

Draft Ltr

Dr by sec